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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,969	01/24/2001	Dave W. Gordon	2096.00C	2336

7590 01/15/2004
Frank J. Catalano
810 S. Cincinnati, Suite 405
Tulsa, OK 74119

EXAMINER

PATTERSON, MARIE D

ART UNIT	PAPER NUMBER
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3728

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DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner for Patents

The Amendment filed 11/18/03 is considered to be inappropriate because it does not comply with MPEP1214.01 which states "37 CFR 1.196(b)(1) provides that the application will be remanded to the examiner for reconsideration if the appellant submits "an appropriate amendment" of the claims rejected by the Board, "or a showing of facts relating to the claims so rejected, or both." An amendment is "appropriate" under the rule if it amends one or more of the claims rejected, or substitutes new claims to avoid the art or reasons adduced by the Board. Ex parte Burrowes, 110 O.G. 599, 1904 C.D. 155 (Comm'r Pat. 1904). Such amended or new claims must be directed to the same subject matter as the appealed claims. Ex parte Comstock, 317 O.G. 4, 1923 C.D. 82 (Comm'r Pat. 1923).

The amendment filed does not amend or substitute claims, it adds numerous new claims. Applicant is given 1 month nonextendable time period in which to respond to this notice.

Marie Patterson
Primary Examiner
Art Unit: 3728